

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 42

October 10, 2003

**SUBJECT: CITY ATTORNEY DISCLOSURE STATEMENT, FORM 5.02.9 -
REVISED**

PURPOSE: Discovery requests from defense attorneys have increased significantly over the past few years. When complying with these requests, it has become evident that the current Disclosure Statement, Form 5.02.9, is inadequate for the courts, causing cases to be delayed, continued and even rejected. Complete disclosure of all discoverable reports, photographs, video/audio tapes, diagrams, as well as all potential witnesses, is necessary to ensure that such information is submitted to the City Attorney's Office in a timely manner to provide to the courts prior to trial. This Order revises the Disclosure Statement, Form 5.02.9, to allow for the capture of this critical information.

PROCEDURE:

I. CITY ATTORNEY DISCLOSURE STATEMENT, FORM 5.02.9 - REVISED.

A. Use of Form. Use of this form has not changed, and will continue to provide discovery information on cases handled by the City Attorney, including those arrests made by outside agencies.

B. Completion. Officers shall complete the City Attorney Disclosure Statement for every adult felony and misdemeanor arrest report completed. The Disclosure Statement has been revised to include the following information:

- * All reports (except personnel investigations) prepared in relation to the investigation;
- * Existence of photographs, video/audio tapes;
- * Whether a Use of Force investigation has been completed or is pending;
- * Civilian witnesses not previously named in any report(s), whether interviewed or not;
- * Additional officers not previously named in any report(s) who were percipient witnesses or otherwise involved in the incident;
- * Emergency Medical Personnel who responded to the incident, but not previously named in any report(s);
- * Existence of officer notes or diagrams not included in any report(s); and,

- * Any other known facts not previously mentioned in any report(s) that might be considered favorable to the defense or damaging to the prosecution, which might negatively reflect on the credibility of any prosecution witness.

C. Distribution. Distribution of this form has not changed.

FORM AVAILABILITY: The City Attorney Disclosure Statement, Form 5.02.9, will be available for ordering from the Department of General Services, Distribution Center, in about 90 days, and will be placed on the Department's Local Area Network (LAN). A copy of the form is attached for duplication and immediate use. The previous version of this form shall be marked "obsolete" and placed in the divisional recycling bin.

AMENDMENTS: This Order amends Sections 4/203.12 and 5/5.02.9 of the Department Manual.

AUDIT RESPONSIBILITIES: All bureau commanding officers shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

DISTRIBUTION "A"